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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/684,063	10/06/2000	Tsunetake Noma	202708US6	2851

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EXAMINER

LEE, PHILIP C

ART UNIT PAPER NUMBER

2154

DATE MAILED: 09/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

09/684,063

Applicant(s)

NOMA, TSUNETAKE

Examiner

Philip C. Lee

Art Unit

2154

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 24 August 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: none.

Claim(s) objected to: none.

Claim(s) rejected: 1-9.

Claim(s) withdrawn from consideration: none.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See attached paper.

12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____

13. ☐ Other: _____.

JOHN FOLLANSBEE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

1. The request for reconsideration has been entered and considered but it is not persuasive.
2. In the remarks, applicant argues that
 - (1) Agraharam does not teach or suggest “reception means... for receiving a content request transmitted from any of the information processing apparatuses belonging to one of the plurality of groups,” as recited in claim 1
 - (2) There is no motivation to combine Agraharam and Porter.
3. In response to point (1), Agraharam taught a reception means for receiving a content request from a session conductor to establish a session with members of the session audience (page 3, paragraphs 28 and 34). Agraharam further taught the request (Note that it is inherent that this request must specifies the multimedia document, thus it is a content request) could be sent by the members of the session audience (page 4, paragraph 38). This means that Agraharam taught a reception means... for receiving a content request transmitted from any of the information processing apparatuses belonging to one of the plurality of groups (i.e. request transmitted from member of the session audience, wherein the member of the session audience are client terminals in the participation list (PL)). The session conductor can be a member of the session audience participating in an audio session requested by other member of the session audience.
4. In response to point (2), applicant's argument that Porter is nonanalogous art (i.e. teaches away from the invention as claimed in claim 1), it has been held that a prior art reference must

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either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, both Agraharam and Porter teach inventions in the field of applicant's endeavor, content management, therefore, one of ordinary skill in the art would be motivated to combined the teachings of Agraharam and Porter, which are in the same field as the applicant's endeavor. In specifically, it would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Agraharam and Porter because Porter's teaching of storing a plurality groups would increase the utilization of the shared server to provide services to multiple groups.

(Note that one of ordinary skill in the art would be motivated to combine Porter's teaching of storing a plurality group with Agraharam's system because Agraharam's system must include storing information corresponding to a plurality of groups in order to provide services to multiple session audiences.) In addition, It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Agraharam and Porter because Porter's teaching of storing a plurality groups would improve the access control of Agraharam's system by allowing only users belonging to a group with granted permission to access a particular document (col. 8, lines 15-26; col. 1, lines 40-44).